

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:08CV390-1-MU

RICARDO DARNELL JONES,

Plaintiff,

v.

BUNCOMBE COUNTY SHERIFF

DEP'T, et al.,

Defendants.

ORDER

THIS MATTER comes before the Court upon Plaintiff's Motion for Defendant to Submit to Relief (Doc. No. 55), Plaintiff's Motion for Appointment of Counsel (Doc. No. 56), and Plaintiff's Motion to Enter Perjury Judgment (Doc. No. 57), all filed January 14, 2009.

Plaintiff yet again asks this Court to appoint him counsel. As the Court has previously stated, appointment of counsel in civil cases is discretionary. Whisenant v. Yuam, 739 F.2d 160, 163 (4th Cir. 1984). At this time, Plaintiff is adequately representing himself. Plaintiff's Motion for Appointment of Counsel is denied.¹

Plaintiff also requests that this Court declare that Defendant Ray has perjured himself. The basis for Plaintiff's request is that he disagrees with the facts as set forth by Defendant Ray in his Answer to the Complaint. Plaintiff has not established that Defendant Ray has perjured himself and this Motion is denied.

¹ Plaintiff continues to complain that he is unfamiliar with the term "dispositive motion." As this Court explained to Plaintiff in a previous Order, such motions ask a court to dismiss a claim or claims without a trial. Again, this Court point out that typically plaintiffs do not file such motions.

Finally, Plaintiff requests that Defendant Ray's counsel admit that Defendant Ray violated policy and the constitution when he used excessive force. Plaintiff is asking that counsel for Defendant Ray concede the case. Such a request is frivolous and is denied.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Motion for Defendant to Submit to Relief is **DENIED**;
2. Plaintiff's Motion for Appointment of Counsel is **DENIED**; and
3. Plaintiff's Motion to Enter Perjury Judgment is **DENIED**.

Signed: January 21, 2009

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

